

Law vol. 7.

OBSERVATIONS

UPON THE

RIOT ACT,

1 Geo. I. Sess. 2. Public Acts, c. 5.

With an Attempt

Towards the Amendment of it.

By a DILETTANTE in Law and Politics.

*Quid? quod caput audaciæ est, judices: quis ignorat,
maximam illecebram esse peccandi impunitatis spem?*

CICERO pro MILONE.

L O N D O N :

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M.DCC.LXXXI.

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Towards the Amendment of it.

THERE have been a great many causes assigned for the late horrid outrages, but no general cause that is at all correspondent to their effects. What have been given as *causes* are found, upon examination, to be only the various and not very similar motives of the persons concerned in those riots; and who have been sometimes distinguished into classes, such as, persecuting protestants, French emissaries, anti-ministerialists, thieves, and Americans. All the several interests so specified may possibly have operated; and many more might, perhaps, be added to the number.

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It

It is, even, probable that every rioter had a motive of his own, relative to himself, and his own circumstances, only. But those who have made any observations upon the conduct of mankind, in times of confusion, know that all this is so constantly and universally true, that it is no more worthy of particular remark, upon this occasion, than that the sun now rises in the morning, and sets in the evening. The poor will always envy the rich : the vulgar of one religious persuasion will always hate those of another : the people governed will always attempt to be independent of their rulers ; and, when they succeed in that, will always attempt to tyrannize over them : those who have nothing of their own will always employ the strong hand, when they have it, in appropriating to themselves what belongs to others : and, what is most melancholy of all, there are thousands to whom mischief will always be its own reward. To prevent the bad effects of so many bad qualities, and to turn the vilest animal of God's creation into the most comely and respectable,

respectable, Law and Government, by the eternal appointment of divine Providence, were instituted; so that when those odious qualities in the human species appear in open day-light, we may rationally conclude that law and government are out of joint.

With a thorough conviction of this truth, I sit down to examine what there is in the present laws and government of this country which could be the *cause* of so much disorder, and find, upon a very little examination, that it immediately arises from the errors and defects of one of our statutes, commonly known by the name of the RIOT ACT.

It has, indeed, been said that this Act is sufficient for all its purposes, and that it has failed only from having been generally misunderstood. But this, if it is not a contradiction in terms, is, at best, an unsatisfactory account of it. Laws which are made to be universally binding ought to be universally intelligible. That this, however, is not the case with the Riot Act very evidently appears from the inconveniencies

veniencies and disappointments which have attended almost every attempt to put it in execution; and still further by the universal applause with which the explanation of it by Lord MANSFIELD, in the House of Peers, was attended; for it was the darkness of the subject which made the light he gave so universally agreeable. But the Act was not made to regulate the conduct of such men as Lord MANSFIELD, Lord THURLOE, or Lord LOUGHBOROUGH; nor was the execution of it ever meant to devolve upon such. The Act was chiefly meant as a guide to Rioters, Soldiers, and Justices of the Peace; men who are not supposed to be endowed with an extraordinary share of legal knowledge, and to whose capacities, therefore, it ought to have been adapted.

The persons employed in the framing of this statute, were, probably, very learned in the laws of their country, and, therefore, must have known, with certainty, that a law for preventing acts of violence, especially such

as

as amounted to felony, was not left for them to enact, for the first time, in the reign of King George the First. They must have known, with certainty, that all this had been long settled by the Common Law of England, as well as by the more common and unalterable law of nature and necessity. Filled themselves with this knowledge and supposing all other men to be equally knowing, they did not perceive how a statute, meant to extend the common law of England to cases of a new and ambiguous kind, could ever be understood to supersede that common law; or that the new structure they were then meditating could serve to destroy the solid foundation upon which it was raised.

But the being masters of any subject ourselves is not all that is necessary towards the conveyance of the knowledge of it to others. Here order and arrangement must be called to our assistance, without which we may be heard very distinctly, without being

being heard or understood to any good purpose.

Amongst all the modes of arrangement the most obvious and most useful is that which, without the formality of reasoning, makes every proposition, or precept, serve as a proof of the truth, or an explanation of the propriety, of that which follows it; that is, by laying down, first what is solid and undeniable, and then proceeding to what is of a nature more slight, uncertain, or arbitrary.

In drawing up the Riot Act of King George the First, this order has been altogether disregarded. For it sets out with what is altogether arbitrary, in creating a capital crime out of what was not before in any degree, criminal or punishable; and it founds its criminality in a combination of circumstances, each of them, singly, as innocent as the crime itself in its completion. Let me enlarge a little in the analysis of this whimsical affair. Twelve persons, or more, remaining together, are declared to be
guilty

guilty of felony, without benefit of clergy, and liable to be hanged : when it is confessed that eleven persons in the same circumstances would have been innocent. These twelve persons are to be hanged, for having continued together an hour, where, by having continued together only fifty-nine minutes and a half, they would have been guilty of nothing. Those twelve persons, continuing together for an hour, would not be guilty of any crime, unless they had been, before the beginning of the hour, commanded to disperse : nor would there be any criminality in disobeying this command to disperse, unless it be given in a certain form of words, read from a certain paper called a *proclamation*. And to crown all with the *sine qua non* of criminality, this *proclamation* must be read by a Justice of Peace; in default of whom, not only twelve, but twelve thousand idle people might remain together for twelve months, concerting every species of mischief, without there being any legal means of obliging them to go about their business.

It is easy to see that all this is merely statutory ; that it is merely an act of legislative power ; such as would equally make it felony to eat buttered peas, or to wear leather breeches. It is, *sic volo, sic jubeo*. In the mean while the Common law of England, and the law of common sense, which ought to be the corner stone of every positive institution, are kept entirely out of sight ; by which the minds of those who read this Act are suffered to be impressed with the idea that these leading formalities are the essentials of it ; and that, as all statutes are *stricti juris*, an exact observance of these formalities was to be followed in all its subsequent clauses : so that one of those clauses, No. 4, which is in substance matter of Common law, being thus wrapped up and disguised in statutory cloathing, has always appeared to receive its whole authority from the statute, and to be subject to all the formalities by which the parts merely statutory are fettered. This we learn from repeated observations upon the actual language and conduct of Rioters and soldiers ;

soldiers ; by whom it seems to be universally understood, that, without the presence and interposition of a Justice of Peace, a military force, the only force hitherto known, cannot be legally applied in preventing any band of ruffians from burning houses and furniture at their pleasure. Now this species of legal liberty, claimed by the mob, never could have entered, of itself, into the head of the most foolish of them ; and could only have found a place there from some supposed authority, that is, from the misunderstanding of some positive law ; so that one may, with good foundation, assert, that Lord MANSFIELD'S house was burnt under the sanction of the Riot Act ; and that if such an Act had never passed, his Lordship's house and valuable papers would have been at this time in perfect safety.

There is another circumstance which has greatly contributed towards the confounding of the several objects and purposes of this Act, and to make the true meaning of it become

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a matter

a matter of deep reasoning and discussion ; and that is, the undistinguished use of the words *unlawfully, riotously and tumultuously assembled*. These words, in common discourse, always convey an idea of acts of violence, or, at least, of threatening. But, as they are applied in one part of this statute, they are certainly not meant to be so understood. *The twelve persons or more there said to be unlawfully, riotously and tumultuously assembled*, are not supposed by the law to be in the actual performance of any mischief. Actual mischief is provided against by the more effectual part of the statute, clause the 4th, in which no reading of the proclamation or other ceremony is required : but the *twelve persons continuing assembled for above an hour after the reading of the proclamation* would be guilty of felony, according to the statute, by barely *continuing together*, although they should *continue* as quietly as a quaker meeting. The words, then, *unlawfully, riotously and tumultuously assembled*, do not, with any propriety, apply to such an assembly, unless they are *professedly*
assembled

assembled, *without the authority of law*, for
 some purpose, which naturally leads to *riot*,
tumult and *violence*, and, therefore, the most
 obvious and most pernicious of those *unlawful*
 purposes ought to have been specified in the
 statute; that an over-zealous Justice of the Peace
 might not think himself called upon to read
 the proclamation to the spectators of a horse-
 race, or a cricket-match.

So much for the matter said to be contained
 in this statute, which frequent experience
 has shewn to have lain there concealed from
 all those who were concerned in the knowledge
 of it. But the same experience carries us
 farther, and has very plainly shewn, that
 there are other things necessary towards
 attaining the salutary purposes of the statute,
 which are not contained in it at all; and
 which, however necessary, would not be, at
 this time, understood to be lawful without
 the express authority of the legislature. It
 has been found by experience that the peace
 officers mentioned in the statute, as the only
 persons to whom the reading of the procla-
 mation

mation is permitted, have shrunk from that duty, upon many occasions; and it is known that, in the late horrid riots, they expressly declared it was a task to which, when most wanted, they were not equal, and would not undertake to perform. The truth is, that after a Justice of the Peace has given orders to the soldiers to fire upon an insolent and mischievous rabble, the soldiers march off in great safety and tranquility, leaving the helpless Justice to be murdered, or to have his house pulled down, or burned about his ears. Those who expect that a man, without any adequate prospect of fame, profit, or advancement, is to act boldly in such dangerous circumstances, know very little about human nature. If, therefore, the reading of a proclamation be necessary, it is no less necessary that the law should delegate the reading of it to such persons as there is reason to believe will actually perform what the law requires of them; and we know of none but the military officers from whom the performance of such a duty may be expected, with any degree of certainty.

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In reading the proclamation a military officer, would act merely as a Justice of Peace; and why the gentlemen of the army, who are generally from the first families, for rank and property, in the kingdom, should not be entrusted, upon this occasion, with what is entrusted to every Westminster Justice, does not appear clearly either from the consideration of the persons or of the thing. For, the matter entrusted is of very little delicacy, and in which a misapprehension, either in a civil or military officer, is not necessarily productive of any bad consequences; a mistake in reading of the proclamation going no deeper than barely to constrain an idle multitude to go home within an hour, when, perhaps, their remaining together the whole day might not have been attended with any mischief; and it is a sort of mistake to which a Justice of Peace is as much liable as a Captain of Dragoons. Besides, it is always to be remembered that a military officer, acting under an Act of parliament as a Justice of Peace, is, in all respects, as a Justice of Peace, and is equally amenable to the civil courts

courts for any abuse of the authority he is entrusted with. As to soldiers, they are nowhere mentioned in the statute, except under such general terms as do not distinguish them from common citizens; and they are, no doubt, equally punishable with other citizens, by the ordinary courts of justice, in case of their committing any acts of illegal violence, under pretence of suppressing riots. But in those clauses of the statute, which regard the reading of the proclamation, nothing is entrusted to the discretion of soldiers, or other common citizens; for all the powers there given are strictly confined to certain officers, very carefully specified in the statute itself, in whose absence they cannot be executed at all, either well or ill. The reason why the *assistance* of soldiers has always been required upon such occasions, and that it will, probably, continue to be required, in preference to other citizens, is simply this, that experience has proved them to be, not only the most effectual, but the most orderly, sober, and manageable *assistants* a magistrate, either in a brown or a red coat, can find in
the

the whole community. In forming a plan for preserving the peace of society, we must keep to the plain road of sense and experience; and not suffer ourselves to be entangled in metaphysical cobwebs, or frightened by chimerical dangers.

Having thus pointed out the defects of the Riot Act, as it now stands, and the principles upon which it may be amended, I will here attempt to put the amendments themselves upon paper; with as close an adherence to the forms of the present statute as can, I believe, be allowed, without defeating the purposes of it.

“ WHEREAS the Act made in the first year
 “ of his Majesty King George the First,
 “ entitled, *an Act for preventing tumults and*
 “ *riotous assemblies, and for the more speedily*
 “ *and effectual punishing the rioters*, has been
 “ found, by experience, inadequate to the
 “ purpose, and by the misconstructions to
 “ which it is liable, to have tended rather
 “ to the security of rioters, and the encourage-
 “ ment of riots, of which many have
 “ been

“ been of late of the most pernicious and
“ abominable kind: Be it, therefore enacted,

“ That if any persons unlawfully, riotously
“ and tumultuously assembled together, to the
“ disturbance of the public peace, shall un-
“ lawfully, and with force demolish or pull
“ down, or begin to demolish or pull down
“ any church or chapel, or any building for
“ religious worship, or any dwelling house,
“ barn, stable or other outhouse, that then
“ every such demolishing or pulling down,
“ or beginning to demolish or pull down
“ shall be adjudged felony without benefit of
“ clergy, and the offenders therein shall be
“ adjudged felons, and shall suffer death as in
“ case of felony, without benefit of clergy.
“ And it shall be lawful for any of his Ma-
“ jesty's officers, civil or military, and for
“ any person, civil or military, and for such
“ other person or persons, civil or military,
“ as they shall call to their assistance, to
“ seize and apprehend, and they are hereby
“ required to seize and apprehend such persons
“ so unlawfully, riotously and tumultuously
“ employed,

“ employed, and forthwith to carry the
 “ persons so apprehended before one or more
 “ of his Majesty’s Justices of the Peace of
 “ the county or place where such persons
 “ shall be so apprehended, in order to their
 “ being proceeded against for such their
 “ offences, according to law; and that if
 “ the persons so unlawfully, riotously and
 “ tumultuously employed, or any of them,
 “ shall happen to be killed, maimed or hurt,
 “ in the dispersing, seizing or apprehending,
 “ or endeavouring to disperse, seize or appre-
 “ hend them, by reason of their resisting the
 “ persons so dispersing, seizing or apprehend-
 “ ing, or endeavouring to disperse, seize or
 “ apprehend them, that then every such
 “ officer or person, civil or military, and all
 “ such singular persons being aiding and
 “ assisting to them, or any of them, shall be
 “ free, discharged and indemnified, as well
 “ against the King’s Majesty, his heirs and
 “ successors as against all and every other
 “ person and persons, of, for, or concerning
 “ the killing, maiming or hurting of any
 “ such person, or persons, so unlawfully,
 D “ riotously

“ riotously and tumultuously employed, that
“ happen to be so killed, maimed or hurt,
“ as aforesaid.

“ And whereas a doubt has arisen in the
“ minds of many well-disposed persons whe-
“ ther the undoubted right which every man
“ has of defending his own house against
“ unlawful violence can be lawfully extended
“ to a right of assisting his neighbour, when
“ his neighbour's house is unlawfully assaulted;
“ Be it therefore declared, by the authority
“ aforesaid, that it is, has been, and shall be
“ lawful for any person, whose house is
“ unlawfully, riotously and feloniously af-
“ faulted, to call to his assistance such of his
“ neighbours, or other persons, as are within
“ reach of assisting him; and that it shall be
“ lawful for such neighbours or other persons
“ aforesaid, to do their utmost in preventing
“ such acts of felony from being committed,
“ by opposing force to force, either from the
“ inside or the outside of their houses, as the
“ occasion shall require, or their means of
“ using force will permit; and that if the
“ persons or any of them so unlawfully,
“ riotously

“ riotously and tumultuously attempting to
“ break into any house, as aforesaid, shall
“ happen to be killed, maimed or hurt by
“ the inhabitants of the said houses, or by
“ any other person or persons aiding and
“ assisting them, as aforesaid, that all such
“ singular persons, or any of them, shall be
“ free, discharged and indemnified, as well
“ against the King's Majesty, his heirs and
“ successors, as against all and every other
“ person and persons, of, for, or concerning
“ the killing, maiming, or hurting of any
“ such person or persons so unlawfully,
“ riotously and tumultuously employed, that
“ happen to be so killed, maimed, or hurt,
“ as aforesaid.

“ And whereas the assembling together of
“ great multitudes of persons *without law-*
“ *ful authority*, has been often found to be
“ productive of great disorders, of which
“ the bulk of the people so assembled had
“ originally no forethought or intention, but
“ to which they had been instigated by a
“ few evil-minded persons amongst them,

“ and encouraged by their own numbers and
“ noise. Be it therefore enacted,

“ That if any number of persons, to the
“ number of twelve or more, shall unlaw-
“ fully, riotously and tumultuously assemble
“ together, to the disturbance of the public
“ peace, *under pretence of petitioning the*
“ *King, or either of the Houses of Parlia-*
“ *ment, or under pretence of presenting such*
“ *petitions, or on any other pretence tending*
“ *to overawe or to abridge that indepen-*
“ *dency in which the happy Constitution of*
“ *these realms has placed all the members of*
“ *its legislative body:* That it shall be law-
“ ful for any one or more Justices of the
“ Peace, or the Sheriff of the county, or his
“ under-sheriff, or the mayor, bailiff or
“ bailiffs, or other head officers or Justices
“ of the Peace of any city or town corporate,
“ where such assembly shall be, *or for any*
“ *officer bearing a military commission under his*
“ *Majesty, not inferior to that of Captain,* to
“ command such an illegal and tumultuous
“ Assembly, by Proclamation to be made in
“ the

“ the King’s name, in the form herein after
 “ directed, to disperse themselves, and peace-
 “ ably to depart to their habitations, or to
 “ their lawful business; and if such tumult-
 “ tuous Assembly shall, to the number of
 “ twelve or more, notwithstanding such Pro-
 “ clamation made, unlawfully, riotously and
 “ tumultuously remain, or continue together,
 “ for the space of *half an hour* after such
 “ command or request made by Proclama-
 “ tion, that then such continuing together
 “ to the number of twelve or more after
 “ such command or request made by Pro-
 “ clamation, shall be adjudged Felony, with-
 “ out benefit of clergy, and the offenders
 “ therein shall be adjudged felons, and shall
 “ suffer death, as in case of felony without
 “ benefit of clergy.

“ And it shall be farther enacted by the
 “ authority aforesaid, that the order or form
 “ of the Proclamation that shall be made by
 “ the authority of this Act, shall be as here-
 “ after followeth; that is to say, the Justice
 “ of Peace, or other person authorised by
 “ this

“ this Act to make the said Proclamation
“ shall, among the said Rioters, or as near to
“ them as he can safely come, with a loud
“ voice command or cause to be commanded
“ silence to be made while Proclamation is
“ making, and after that shall openly and
“ with loud voice make or cause to be made
“ Proclamation in these words or like in
“ effect.

“ **O**UR Sovereign Lord the King chargeth
“ and commandeth all persons being assem-
“ bled, immediately to disperse themselves
“ and peacefully to depart to their habita-
“ tions, or to their lawful business, upon the
“ pains contained in the Act made in the
“ the year of King George, for
“ preventing tumults and riotous assemblies.

GOD SAVE THE KING.

“ And every such Justice and Justices of
“ the Peace, Sheriff, Under-Sheriff, Mayor,
“ Bailiff, and other head officers aforesaid,
“ within the limits of their respective juris-
“ dictions,

“ dictions, or any officer bearing a military
 “ commission under his Majesty, not inferior to
 “ that of captain, are hereby authorised, em-
 “ powered and required, on notice or know-
 “ ledge of any such unlawful, riotous and
 “ tumultuous assembly, to resort to the
 “ place where such unlawful, riotous and
 “ tumultuous assemblies shall be of persons
 “ to the number of twelve or more, and
 “ there to make or cause to be made Pro-
 “ clamation in manner aforesaid.

“ And be it further enacted by the autho-
 “ rity aforesaid, that if such persons, so un-
 “ lawfully, riotously and tumultuously assem-
 “ bled, or twelve or more of them, after
 “ proclamation made in manner aforesaid,
 “ shall continue together and not disperse
 “ themselves within *half an hour*, That then
 “ it shall and may be lawful to and for every
 “ Justice of the Peace, Sheriff or Under-
 “ Sheriff of the county where such assembly
 “ shall be, and also to and for every high or
 “ petty constable and peace officer within
 “ such county, and also to or for every
 “ Mayor,

“ Mayor, Justice of the Peace, Sheriff,
“ Bailiff, or other head officer, high or petty
“ constable, and other peace officer of any
“ city or town corporate, where such assem-
“ bly shall be, and to or for *any officer bearing*
“ *a military commission under his Majesty, not*
“ *inferior to that of captain*, and to and for
“ such other person or persons as shall be
“ commanded to be assisting unto any such
“ Justice of the Peace, Sheriff or Under-
“ Sheriff, Mayor, Bailiff, or other officer
“ civil or military, as aforesaid, (who are
“ hereby authorised and empowered to com-
“ mand all his Majesty’s subjects of age and
“ ability to be assisting to them therein) to
“ seize and apprehend such persons so un-
“ lawfully, riotously and tumultuously con-
“ tinuing together after Proclamation made,
“ as aforesaid, and forthwith to carry the
“ persons so apprehended before one or more
“ of his Majesty’s Justices of the Peace of
“ the county or place where such persons
“ shall be apprehended, in order to their
“ being proceeded against for such their of-
“ fences according to law; and that if the
“ persons

“ persons so unlawfully, riotously and tu-
 “ multuously assembled, or any of them shall
 “ happen to be killed, maimed, or hurt, in
 “ the dispersing, seizing, or apprehending,
 “ or endeavouring to disperse, seize, or ap-
 “ prehend them, by reason of their resisting
 “ the persons so dispersing, seizing, or ap-
 “ prehend, or endeavouring to disperse,
 “ seize, or apprehend them, that then every
 “ such Justice of Peace, or other officer,
 “ civil or *military*, as aforesaid, and all and
 “ singular persons being aiding and assisting
 “ to them or any of them, shall be discharged
 “ and indemnified, as well against his Majesty,
 “ his heirs and successors, as against all and
 “ every person and persons, of, for or con-
 “ cerning the killing, maiming or hurting of
 “ any such person or persons, so unlawfully,
 “ riotously and tumultuously assembled, that
 “ shall happen to be killed, maimed, or hurt,
 “ as aforesaid.

“ Provided always, and it is farther enacted
 “ by the authority aforesaid, That if any
 “ person or persons do, or shall, with force
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“ of arms, wilfully and knowingly oppose,
“ obstruct, or in any way wilfully and
“ knowingly, lett, hinder, or hurt any per-
“ son or persons that shall begin to proclaim
“ or go to proclaim, according to the Procla-
“ mation hereby directed to be made, where-
“ by such Proclamation shall not be made,
“ that then every such opposing, obstructing,
“ letting, hindering, or hurting such person
“ or persons so beginning or going to make
“ such Proclamation as aforesaid, shall be
“ adjudged felons without benefit of clergy;
“ and that also every such person or persons
“ so being unlawfully, riotously or tumul-
“ tuously assembled, to the number of twelve
“ as aforesaid, or more, to whom procla-
“ mation should or ought to have been made
“ if the same had not been hindered, as
“ aforesaid, shall likewise, in case they or
“ any of them, to the number of twelve or
“ more shall continue together, and not
“ disperse themselves within *half an hour* after
“ such lett or hindrance so made, having
“ knowledge thereof be adjudged felons, and
“ shall

“ shall suffer death as in case of felony,
“ without benefit of clergy.

“ And be it further enacted, &c.”

The rest of this statute may, possibly, require no amendment, except in what regards the 10th and last clause, which ought certainly to be omitted altogether; as it seems to imply a power permitted by law to the rabble to pull down places of religious worship of a certain description; a permission inconsistent with every principle of civil government; and which discovers, as much as any part of this statute, the narrow and temporary views of those who had the framing of it.

What I have proposed with respect to a change in the arrangement of the several clauses in the statute, will, I flatter myself, meet with general concurrence; but I have not the same expectation with respect to some of my additions. There are many well-meaning people, who, from having often heard the words *liberty* and *military* set in
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OBSERVATIONS ON THE

opposition to one another, will be startled at seeing a *military officer* introduced into an act of parliament as a substitute for a *peace officer*; and will be apt to call it a *dangerous innovation, tending to introduce, by degrees, a military government*. But, first of all, it is no *innovation*; on the contrary, it is the present Riot Act, with its Proclamation and all its other ceremonies, that is an innovation, of little more than sixty years standing; and it will be found that what appears new in my amendments is no other than a restoration of the Common law, and ancient practice of England; when our Kings, in preserving the peace, employed such military force as then existed, by the intermediation of officers, like the Sheriffs, who were both civil and military.

Next, with regard to the tendency of these amendments, I am entirely deceived in my reasoning, and shall be miserably frustrated in my hopes, if they do not operate in preserving our freedom, and in preventing a military government from being ever established
amongst

amongst us. Those who speak of a *free government*, and do not mean by it a *parliamentary government*, speak without any consistent meaning, and only throw about words at random, to which they have not been at the pains to affix any distinct idea. Whatever therefore tends to preserve the independency and authority of Parliament, tends, in the most direct manner, to the preservation of Liberty, and such are the express purposes of the amendments I have suggested. Soldiers, like what is said of fire and water, *are excellent servants, but bad masters*; for which reason I wish to see their duty in quelling riots, both authorised and limited by the supreme legislative power, and to have as little left to their own discretion as the nature of things will permit. While the House of Commons is alone, intrusted with the power of raising money for the payment of the Army, the Army must always continue to be the servant of that House, and of its constituents the *proprietary* people; and can never be used as an instrument in the hands of a King against those who have it always in their power to
reduce

reduce or annihilate it. But having got rid of a parliamentary government, a military one must, of course, take place; as Government must be procured upon any terms. The real steps towards the establishment of military government are those which have been lately taken to undermine, or to overthrow, the authority of parliament, by setting up associations and cabals of the *undisturbed* people to over-rule its proceedings; and it is to guard against those dangerous combinations, of which we have lately had a most frightful experience, that is particularly aimed at in the foregoing remarks. To guard against every mischief which imagination may suggest, is what I do not attempt; nor will it ever be attempted by any man who has seriously reflected upon the imperfect and fluctuating nature of human affairs, and who must have observed that they do not afford us perfect security at one quarter, without laying us open to some new danger from another. Laws are not the offspring of choice, but of necessity. They are always restraints, and always, in themselves, evils; and when we
say

say a Law is *good*, it is only in comparison of the inconvenience it is supposed to remedy. It is sufficient for us to relieve ourselves from the inconveniencies we actually feel ; leaving future disorders to be remedied by future Acts of parliament. If there are any persons who, notwithstanding their late experience, are still fond of *popnlar* government, in contradistinction to what is *parliamentary*, they will certainly disapprove of some of the most important of my amendments on the Riot Act. It is time alone, that can discover, with certainty, whether they or I judge most wisely for the preservation of liberty. In the mean while I leave the question to the consideration of those who are capable to decide in public affairs upon public principles, without being biaffed in their judgments by personal interests, or the more absurd and inexplicable interests of a Party.

London, July 10, 1780.

F I N I S .

For a Law is good, it is only in comparison of
the inconvenience it is supposed to remedy.
It is difficult for us to receive ourselves from
the inconveniences we actually feel; leaving
these doctors to be remedied by future Acts
of Parliament. If there are any persons who
now, in passing their late experiments, are full
of the danger of government in con-
sideration to what is said, they
will certainly disagree with the
importance of my observations on the
Act. It is time, I think, that we discover
with certainty, whether they are
wisely for the preservation of liberty, in the
mean while I leave it to the con-
sideration of those who are capable to decide
in public affairs upon public principles,
without being misled by their passions
by personal interests, or the more distant and
impossible interests of a party.



London, July 10, 1780.

W. M. I. S.

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